IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 2ND JANUARY 2007 / 12TH POUSHA 1928

WP(C).No. 34450 of 2006(A)

PETITIONER:

---

1. V.B.ABDUL GAFOOR, S/O.MOHAMMED,
IX/543, VELIPARAMBIL HOUSE, AROOR P.O.,
ALAPPUZHA DIST.

2. MOHIYUDHEEN, S/O.AHAMED,
PANDIYAMPARAMBIL HOUSE,
CHANDIROOR, AROOR P.O., ALAPPUZHA DIST.

BY ADV. SRI.N.RATHEESH
SMT.SUMA RATHEESH

RESPONDENTS:

CANARA BANK, OVERSEAS BRANCH,
KARUNA BUILDINGS, M.G.ROAD, COCHIN-35,
REPRESENTED BY THE CHIEF MANAGER.

BY SC SRI. R. RAMADAS

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 02/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR,J.

W.P.C.NO. 34450 OF 2006

Dated this the 2nd day of January, 2007

JUDGMENT

Writ Petition is filed by guarantors to a loan for permission to sell the mortgaged property by themselves. The liability due to the Bank is stated to be above Rs. 79 lakhs. Standing counsel for the Bank opposed stating that petitioners cannot be permitted to sell the property unless they repay the entire arrears. I am in agreement with the submission of counsel for the Bank. Petitioners have no right to sell the mortgaged property unless they agree to discharge full liability. Since sale is conducted after due publication, petitioners can also arrange buyers so that the property will be sold at the highest price.

W.P. is closed with the above observations.

(C.N.RAMACHANDRAN NAIR)
Judge